IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 956 OF 2004

Karim Umar Bilakhiya & Ors. ..Appellants

versus

Brihan Mumbai Municipal

Corporation & Anr. ..Respondents

Mr. M. P. Vashi for the Appellants.

Mr. J. J. Xavier for the Respondents - MCGM.

CORAM : D. G. DESHPANDE,J.

DATE : 21ST SEPTEMBER,2005

ORAL ORDER :

1. Heard Mr. Vashi for the Appellants and Mr. Xaiver for the MCGM.

2. Suit of the plaintiffs came to be dismissed on the ground that they had applied for regularisation of the structure. Mr. Vashi shows me a letter dated 16.11.2004 issued by the Executive Engineer (Building Proposal) City I, that the regularisation proposal of the appellants was rejected. The said letter dated 16.11.2004 is taken on record. Mr. Vashi states that even though in

this letter it is written that the appellants did not submit requisite documents, that was because the architect did not give the necessary documents and certificate and that now fresh opportunity be given to the appellants to move the said Authority. He has also no objection if while appellants moves the said Authority, the appeal need not be kept pending. In view of this, the following order :

ORDER

. The Appellants are permitted to submit necessary documents in pursuant to their application for regularisation within three weeks from today, without fail. If those documents are submitted within three weeks, the Authority will consider them and pass appropriate orders according to the Rules and law within six weeks thereafter. Stay to demolition of the structure for a period of ten weeks from today.

. It is clarified that if the documents are not submitted fully and completely as per the requirement, the stay will stand vacated automatically within three weeks.

. Appeal disposed of in view of this order.

. Parties to act on an authenticated / certified copy of this order.

21.9.2005 (D.G. DESHPANDE, J.)

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